



July 13, 2003

Noteworthy

“[President Bush] called me today and I said to him, I am shouting your name from the steeple tops for reaching out, reaching across the aisle.”

-Senator Byrd, Fox News Special report, 7/12/05

“I’m praising the president for listening, for reaching out.”

-Senator Byrd, The Hill, 7/13/05

“I feel very definitely that it meets and really exceeds the spirit of that agreement.”

-Senator Warner, Washington Post, 7/13/05 (commenting on President’s consultation and the Gang of 14’s agreement)

Bush makes nice on his court pick

By [Geoff Earle](#)

President Bush and his administration have engaged in unprecedented efforts to solicit the views of Republican and Democratic senators as the White House considers whom to nominate to replace retiring Justice Sandra Day O’Connor on the Supreme Court.

Bush and his aides have contacted about 60 senators and have even asked a few of them to offer names of people they think would make good nominees. At least two Democratic senators, Robert Byrd (W.Va.) and Ben Nelson (Neb.), have complied, forwarding names to the White House.

Asked about the widespread consultation from a White House with a reputation for being headstrong, Sen. Larry Craig (R-Idaho) responded in song. He put his arm on the shoulder of Sen. Rick Santorum (R-Pa.) in one of the Senate’s elevators and sang, “Kumbaya, my lord, kumbaya.”

Bush telephoned Byrd — the feisty octogenarian whom Republicans hope to defeat in 2006 — yesterday to solicit his views.

“I’m praising the president for listening, for reaching out,” Byrd, among the administration’s harshest congressional critics, told The Hill. He said he had received a call earlier from former Sen. Fred Thompson (R-Tenn.), who is helping Bush select a nominee and get him or her confirmed, and from White House counsel Harriet Myers. Byrd said he forwarded two names to the White House.

One of them, Walter Dellinger, is a Duke University law professor who served as solicitor general during the Clinton administration. "Now there's a man who knows the Constitution, what the demeanor of a judge should be," Byrd said.

He also put forth the name of M. Blaine Michael, who was appointed by Clinton to the Richmond-based 4th U.S. Circuit Court of Appeals. Byrd said Michael, of Charleston, W.Va., fits his own criteria of someone who would make a good justice. However, it would be highly unlikely that Bush would name a Clinton appointee to the high court.

Byrd was a member of the "Gang of 14" senators who helped broker a resolution to the impasse over the president's judicial nominees.

The administration also has solicited names from Nelson, one of the lead negotiators in the deal. White House Chief of Staff Andrew Card solicited Nelson's input in a recent call.

"He did ask me for some names," Nelson said. "I said I'd think about it and get back to him." During the call, Card called Nelson "Benator," a nickname that Bush gave the influential centrist lawmaker. Nelson said yesterday that he forwarded one name along to the White House.

It is not clear whether the administration solicited recommendations only from members of the Gang of 14, who have said they would oppose judicial filibusters except in "extraordinary circumstances," or from other Senate Democrats as well. One source said such conversations were full discussions that included names of justices.

Bush met with Senate Majority Leader Bill Frist (R-Tenn.), Minority Leader Harry Reid (D-Nev.), Judiciary Committee Chairman Arlen Specter (R-Pa.) and ranking member Sen. Patrick Leahy (D-Vt.) yesterday morning at the White House.

Leahy told reporters that the group discussed specific names of potential justices at the meeting, although not many. "I thought he was listening," Leahy said of the president. "I've known him for a while."

Leahy said the names came up as examples in conversational tone, not in any sort of a list that he and Reid presented.

All of the outreach to Democrats does not appear to have antagonized Bush's traditional allies. Sen. James Inhofe (R-Okla.), in a luncheon interview, praised Attorney General Alberto Gonzales, who has been criticized by some conservative groups. "I think he'd be a good choice," Inhofe said, while floating the name of his first choice: recently confirmed D.C. Circuit Court Judge Janice Rogers Brown.

Santorum said he had given his own input to the administration, but declined to describe it.

Some Republicans anticipate that the consultation is not just for show. "I don't think

the president goes through anything just for the experience,” said Sen. Richard Burr (R-N.C.).

Sen. John McCain (R-Ariz.) floated the name of Thompson, who met with Senate Republicans yesterday. “He could do like Cheney,” said McCain, referencing how Dick Cheney headed Bush’s search for a vice-presidential running mate and was himself selected. “I’m serious,” McCain said. “He’d be great.”